

County of Santa Clara
Office of the County Clerk-Recorder
Business Division



County Government Center
 70 West Hedding Street, E. Wing, 1st Floor
 San Jose, California 95110 (408) 299-5688

Santa Clara County - Clerk-Recorder Office
 State of California

File Number: ENV23748

ENVIRONMENTAL FILING

No. of Pages: 7

Total Fees: \$0.00

File Date: 01/20/2022

Expires: 02/19/2022

REGINA ALCOMENDRAS, Clerk-Recorder

By: Elaine Fader, Deputy Clerk-Recorder

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: County of Santa Clara Parks and Recreation Department
2. PROJECT TITLE: Cottle and Lester Historic Ranch Site Plan Project
3. APPLICANT NAME: County of Santa Clara Parks and Recreation Department PHONE: (408) 355-2200
4. APPLICANT ADDRESS: 298 Garden Hill Drive, Los Gatos, CA 95032
5. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity
6. NOTICE TO BE POSTED FOR 30 DAYS.
7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- | | | |
|--|-------------|----------------|
| <input type="checkbox"/> 1. ENVIRONMENTAL IMPACT REPORT (PUBLIC RESOURCES CODE §21152) | \$ 3,539.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. NEGATIVE DECLARATION (PUBLIC RESOURCES CODE §21080(C)) | \$ 2,548.00 | \$ <u>0.00</u> |
| <input type="checkbox"/> 3. APPLICATION FEE WATER DIVERSION (STATE WATER RESOURCES CONTROL BOARD ONLY) | \$ 850.00 | \$ <u>0.00</u> |
| <input type="checkbox"/> 4. PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS | \$ 1,203.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 5. COUNTY ADMINISTRATIVE FEE (REQUIRED FOR a-1 THROUGH a-4 ABOVE)
Fish & Game Code §711.4(e) | \$ 50.00 | \$ <u>0.00</u> |

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

- | | | |
|---|----------|----------------|
| <input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | \$ 50.00 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE "SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | | |
| DOCUMENT TYPE: <input type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION | \$ 50.00 | \$ <u>0.00</u> |

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

- | | | | |
|--|--|--------|------------------|
| <input type="checkbox"/> NOTICE OF PREPARATION | <input checked="" type="checkbox"/> NOTICE OF INTENT | NO FEE | \$ <u>NO FEE</u> |
|--|--|--------|------------------|

8. OTHER: _____ FEE (IF APPLICABLE): \$ _____
9. TOTAL RECEIVED..... \$ 0.00

*NOTE: "SAME PROJECT" MEANS NO CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE SUBSEQUENT FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND TWO (2) COPIES. IF THERE ARE ATTACHMENTS, PLEASE PROVIDE THREE (3) SETS OF ATTACHMENTS FOR SUBMISSION. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

Notice of Intent to Adopt a Mitigated Negative Declaration

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code §§ 21000, et sec.) that the following project when implemented will not have a significant impact on the environment.

Project Title	File
Cottle and Lester Historic Ranch Site Plan Project	None
Project Location	APN(s)
Martial Cottle Park 5285 Snell Avenue San Jose, CA 95136	464-06-021
Owner	Applicant
County of Santa Clara	County of Santa Clara Parks and Recreation Department
Project Description	
<p>The Cottle and Lester Historic Ranch Site Plan Project (Project) provides for the reuse of the Life Estate parcel at Martial Cottle Park. The Project will preserve historic structures through the reuse of the on-site ranch buildings and will create new amenities and upgrades to improve the visitor experience at Martial Cottle Park.</p> <p>The planned uses for the Historic Ranch include recreation facilities, educational and interpretive opportunities, and support for local agriculture. The Project will use and/or repurpose nine historic structures which include the Japanese House, Cottle House, Stock Barn, Green Barn, Pole Barn, Tractor Sheds 1-3, and the north garage. An additional 17 historic structures that do not have a planned reuse will be retained and remain protected in place. The event area near the Green Barn will be constructed, including an outdoor event lawn, and an amenity building that would provide a restroom and changing room facilities. The Project also includes features that will remain protected in place such as orchards, corrals, fencing, and utilities.</p> <p>The Project includes a security fence around the perimeter of the Historic Ranch with access controlled by gates. The Project includes pedestrian access gates and vehicular gates restricted to staff, operations, and emergency use only.</p> <p>The Project includes a site host area to provide ongoing park operation, maintenance, interpretation, and security of the Historic Ranch. A maintenance yard is also proposed to provide on-site storage of farm equipment and objects from the collection, space for Parks staff and volunteers to maintain and repair equipment, and staff and volunteer parking.</p> <p>Improvements to the Project Site include constructing the final segment of the Perimeter Trail, which is an internal trail system that encircles the Park and provides a buffer between the agricultural uses and residential areas and major roads, completing the vision for the trail as planned by the 2011 Martial Cottle Park Master Plan.</p>	

Purpose of Notice

The purpose of this notice is to inform you that the County of Santa Clara, Parks & Recreation Department has recommended that a Mitigated Negative Declaration be adopted for this Project. Action is tentatively scheduled on this proposed Mitigated Negative Declaration before the **County of Santa Clara Board of Supervisors** on **Tuesday, May 24, 2022**.

Pursuant to the provisions of California Governor's Executive Order N-08-21, issued on June 11, 2021, certain meetings of the Board of Supervisors and Board Policy Committees will be held by teleconference only.

It should be noted that the adoption of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately. Meeting information will be posted on the County of Santa Clara's website at www.sccgov.org under Board Agendas or contact the Office of the Clerk of the Board at (408) 299-5001.

Review Period

The public review period for this document begins **January 21, 2022** and ends **February 20, 2022**. Public comments regarding the correctness, completeness, or adequacy of this Mitigated Negative Declaration are invited. Such comments should **be based on specific environmental concerns**. Written comments must be received on or before the close of the public review period and should be addressed to:

Attn: Kimberly Brosseau, Senior Planner
County of Santa Clara, Parks and Recreation Department, Planning and Development Section
298 Garden Hill Drive, Los Gatos, CA 95032

Written comments can also be emailed to: kimberly.brosseau@prk.sccgov.org.

Oral comments may be made at the County of Santa Clara Housing, Land Use, Environment and Transportation Committee Meeting, tentatively scheduled for Thursday, April 21, 2022. Oral comments may also be made at the County of Santa Clara Board of Supervisors Meeting, which is tentatively scheduled for Tuesday, May 24, 2022.

Pursuant to the provisions of California Governor's Executive Order N-08-21, issued on June 11, 2021, certain meetings of the Board of Supervisors and Board Policy Committees will be held by teleconference only.

A file containing additional information on this Project and the full text of the Initial Study/ Mitigated Negative Declaration is available for review at the following locations:

County of Santa Clara
Parks and Recreation Department
298 Garden Hill Drive
Los Gatos, CA 95032-7669

Martial Cottle Park
Staff Offices
5283 Snell Avenue
San Jose, CA 95136

The Draft IS/MND is available for review at the County of Santa Clara Parks and Recreation Department's website at: www.parkhere.org/mcplifeestateplan

When requesting to view this file, please refer to the project title appearing at the top of this form.

Agencies sent copy of this document

- County of Santa Clara, Department of Environmental Health
- California Department of Fish and Wildlife
- San Francisco Bay Regional Water Quality Control Board
- Bay Area Air Quality Management District
- United States Department of Fish and Wildlife
- Santa Clara Valley Habitat Agency

Basis for Mitigated Negative Declaration Recommendation

The Planning and Development Section of the Department of Parks and Recreation has reviewed the initial study for the project and based upon substantial evidence in the record, finds that although the proposed project could initially have a significant effect on the environment, there will not be a significant effect on the environment because of mitigation measures that have been incorporated into the project.

This finding is based on the follow considerations (See Note below):

Based on the environmental evaluation presented in the Initial Study, the Project will not cause significant adverse effects related to aesthetics, agriculture and forestry resources, air quality, energy, greenhouse gas emissions, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, transportation/ traffic, utilities/ services systems, or wildfire. In addition, the Project does not have any significant, unavoidable adverse impacts.

Mitigation measures are required for the following environmental impact areas: biological and cultural/historical/archaeological resources, geology and soils, hazards and hazardous materials, recreation, and tribal cultural resources. Implementation of specified mitigation measures will avoid or reduce the effects of the Project on the environment and ensure that all impacts remain less-than-significant impacts. See the Initial Study/Mitigated Negative Declaration for a discussion of the potential impacts and those measures necessary to mitigate or avoid significant environmental impacts as a result of the implementation of the Project. These impacts and mitigation measures are briefly summarized below.

MM BIO-1 Santa Clara County Habitat Plan Compliance

The applicant shall be required to comply with the Santa Clara Valley Habitat Plan (SCVHP) and pay all applicable fees, following completion of the SCVHP application process for special entities. County Parks shall coordinate with the Planning, Building and Code Enforcement (PBCE) Supervising Environmental Planner to submit all applicable forms, fees, and/or technical reports.

MM BIO-2 Protection of Active Bird Nests

Construction activities that occur during the nesting season (generally February 1 to August 31) have the potential to disturb nesting sites for birds protected by the Migratory Bird Treaty Act (MBTA) and Fish and Game Code. Construction activities shall take place outside of the avian nesting season to the greatest extent possible. If construction activities are to occur during the nesting season, a pre-construction nesting bird survey shall be completed by a qualified Biologist. No action is necessary if no active nests are found, or if construction occurs during the nonbreeding season (generally September 1 through January 31). Implementation of the following avoidance and minimization measures would reduce impacts to nesting birds:

- If construction activities cannot take place outside the nesting season, then a pre-construction survey shall be conducted by a qualified Biologist no more than 5 days prior to the initiation of construction activities to verify absence of active nests. Should there be a lapse in project activities of 7 days or more, then the survey shall be repeated.
- If an active nest is located during pre-construction surveys, the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Wildlife (CDFW) (as appropriate) shall be notified regarding the status of the nest. Construction activities shall be restricted as necessary to avoid disturbance of the nest until it is abandoned, or the agencies deem disturbance potential to be minimal.
- A qualified Biologist shall provide appropriate protection buffer sizes and locations, and the applicant shall physically mark the protection buffers using signs, environmentally sensitive area fencing, pin flags, and/or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently.
- No-disturbance nest buffers shall be determined by a qualified Biologist based on species, nest stage, and site conditions. Nests shall be monitored daily during Project-related activities by a qualified Biologist to determine the sufficiency of the buffer and whether it should be expanded to protect the nest based on disruptions to an individual bird's natural nesting behaviors.

MM BIO-3 Protection of Active Bat Roosts

A qualified Biologist shall conduct surveys for special-status bats during the appropriate time of day to maximize detectability to determine whether bat species are roosting near the work area no less than 7 days and no more than 14 days prior to beginning ground disturbance and/or construction. Survey methodology may include visual surveys of bats (e.g., observation of bats during foraging period), inspection for suitable habitat, bat sign (e.g., guano), or use of ultrasonic detectors (Anabat, etc.).

Visual surveys will include trees and buildings within 500 feet of Project construction activities, where accessible. Not more than two weeks prior to building demolition, the applicant shall ensure that a qualified Biologist (i.e., one familiar with the identification of bats and signs of bats) surveys the building proposed for demolition for the presence of roosting bats or evidence of bats. If no roosting bats or evidence of bats are found in the structure, demolition may proceed. If the Biologist determines or presumes bats are present, the Biologist shall exclude the bats from suitable spaces by installing one-way exclusion devices. After the bats vacate the space, the Biologist shall close off the space to prevent recolonization. Building demolition shall only commence after the Biologist verifies 7 to 10 days later that the exclusion methods have successfully prevented bats from returning. To avoid impacts on non-volant (i.e., nonflying) bats, the Biologist shall only conduct bat exclusion and eviction from September 1 through March 31. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).

MM CR-1 The final design plan for the reuse of historic buildings, structures, and contributing elements to the Martial Cottle Ranch complex shall be drafted in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. An architectural historian, who meets the Secretary of the Interior's Qualification Standards for Architectural History, will review the plan and provide certification of conformance prior to the issuance of construction permits. The County of Santa Clara Historic Preservation Ordinance, which details additional steps to be taken with regards to the modification and reuse of designated historic properties, shall also be followed.

MM CR-2

All ground-disturbing activities, including grading, trenching, and excavation shall be monitored by an Archaeologist who meets the Secretary of the Interior's Standards for Archaeology. In the event significant cultural resources are discovered during construction activities, operations shall stop within a 100-foot radius of the find until the Archaeologist has determined whether the resource requires further study. The Lead Agency shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. The Archaeologist shall make recommendations to the Lead Agency concerning appropriate measures that shall be implemented to protect the discovered resources, including but not limited to recordation, evaluation, and recovery of the finds in accordance with CEQA Guidelines, Section 15064.5. Any previously undiscovered resources found during construction within the Project Site should be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA Guidelines.

MM CR-3

If human remains are found during construction, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent human remains until the Office of the Medical Examiner-Coroner of Santa Clara County is contacted to determine whether investigation of the cause of death is required. Additionally, excavation or disturbance shall stop until procedures outlined in the County Ordinance Code Title B, Division B6, Chapter II Relating to Indian Burial Grounds and Public Resources Code Section 5097.98 can be implemented. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours.

Per Public Resources Code Section 5097.98, the NAHC shall identify the person or persons it believes to be the most likely descendant(s) of the deceased Native American. The most likely descendant(s) may then make recommendations to the County or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods. The most likely descendant(s) shall complete their inspection and make recommendations within 48 hours after being granted access to the site. The County or its authorized representative shall rebury the Native American human remains and any associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or within the Project Site in a location not subject to further subsurface disturbance if:

- (a) The NAHC is unable to identify a most likely descendant(s) or the most likely descendant(s) fails to make a recommendation within 48 hours after being allowed access to the site.
- (b) The most likely descendant(s) identified fails to make a recommendation; or
- (c) The County or its authorized representative rejects the recommendation of the most likely descendant(s), and mediation by the NAHC fails to provide measures acceptable to the County.

MM GEO-1

If a fossil is discovered during excavations of 10 feet or more below ground surface, excavation activity within 50 feet of the find shall be temporarily halted or delayed until the find is examined by a qualified paleontologist in accordance with Society of Vertebrate Paleontology standards. The County shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The County shall implement this mitigation measure and include the wording of this measure in all final construction plans and specifications.

MM HAZ-1 An updated Phase II Report shall be prepared for the Life Estate parcel to include additional soil and groundwater samples and identify the extent to which construction activities could disturb contaminated soils and/or groundwater as identified in the Limited Phase II Environmental Site Assessment (Phase II ESA) and the Phase II ESA Review and Summary and recommendations for removal and disposal in accordance with applicable regulations. The location of asbestos-containing materials (ACM) and lead-based paint (LBP) in the buildings that would be repurposed, renovated, or demolished and recommendations for safe handling, removal, and disposal of these materials in accordance with applicable regulations. The County Santa Clara's Hazardous Materials Compliance Division (HMCD) of the Department of Environmental Health as the Certified Unified Program Agency (CUPA) shall oversee the implement of this mitigation measure.

Note: A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Mitigated Negative Declaration is adopted, or the project is approved, in accordance with the requirements of Section 21081.6 of the Public Resources Codes.

Prepared by:

Kimberly Brosseau,
Senior Planner
Santa Clara County Parks

DocuSigned by:
Kimberly Brosseau *KB.*
3B04079E372C49C... 1/19/2022

Signature **Date**

Approved by:

Mike Will, Acting Deputy Director of
Planning, Development and Land
Stewardship
Santa Clara County Parks

DocuSigned by:
Michael
18240A9D84A24C4... 1/19/2022

Signature **Date**



Regina Alcomendras
Santa Clara County
Clerk-Recorder
(408) 299-5688
<https://www.clerkrecorder.org>

Receipt: 22-12337

Product	Name	Extended
CEQA	ENVIRONMENTAL FILING	\$0.00
	# Pages	7
	Document #	ENV23748
	Document Info:	COUNTY OF SANTA CLARA PARKS AND RECREATION DEPARTMENTS
	Filing Type	F
Total		\$0.00
Change (Cash)		\$0.00

PLEASE KEEP FOR REFERENCE

